

E. Evans Wohlforth, Jr.
Charlotte M. Howells
Gibbons P.C.
One Gateway Center
Newark, NJ 07102
Tel: (973) 596-4500
Fax: (973) 596-4545

Benjamin A. Post*
Joshua T. Calo*
Post & Post LLC
200 Berwyn Park, Suite 102
920 Cassatt Rd.
Berwyn, PA 19312
Telephone: (610) 240-9180
Fax: (610) 240-9185
**admitted pro hac vice*

*Attorneys for Defendants Carecore National LLC d/b/a eviCore, Group Health Incorporated
and Emblem Health, Inc.*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KATHLEEN VALENTINI, VALERIO
VALENTINI, and VALERIO VALENTINI on
behalf of his minor son M.V.,

Plaintiff.

-against-

GROUP HEALTH INCORPORATED,
EMBLEM HEALTH, INC., CARECORE
NATIONAL LLC d/b/a EVICORE, and
JOHN DOES 1 AND 2,

Defendants.

Civil Action No. 20-9526 (JPC)

ECF Case

Document Electronically Filed

**NOTICE OF MOTION TO DISMISS
PLAINTIFFS' COMPLAINT ON
BEHALF OF DEFENDANT EMBLEM
HEALTH, INC.**

TO: Steve Cohen, Esq.
POLLOCK COHEN LLP
60 Broad St., 24th Fl.
New York, New York 10004

Jordan Merson, Esq.
MERSON LAW PLLC
950 Third Avenue, 18th Floor
New York, New York 10022
Attorney for Plaintiffs

PLEASE TAKE NOTICE that on such date and time as the Court may direct, Defendant Emblem Health, Inc. ("Emblem"), through their attorneys, will move before the Honorable John

P. Cronan, U.S.D.J., at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), for an Order dismissing Plaintiffs' Complaint in its entirety, with prejudice, for failure to state a claim.

PLEASE TAKE FURTHER NOTICE that, in support of their motion, Defendant Emblem shall rely upon the Memorandum of Law in Support of its Motion to Dismiss and related papers submitted herewith, the Memorandum of Law in support of Defendant CareCore National LLC d/b/a eviCore's Motion to Dismiss the Complaint (ECF Nos. 18-19); the Memorandum of Law in support of Defendant Group Health Incorporated's Motion to Dismiss the Complaint (ECF Nos. 17, 19); and the Joint Reply Memorandum of Law in Further Support of Defendant CareCore National LLC d/b/a eviCore's and Group Health Incorporated's Motions to Dismiss the Complaint (ECF No. 49); and

PLEASE TAKE FURTHER NOTICE that Defendant Emblem will request that the proposed form Order submitted herewith be entered by the Court; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: March 15, 2021

GIBBONS P.C.

/s/ E. Evans Wohlforth, Jr.

E. Evans Wohlforth, Jr., Esq.

Charlotte M. Howells, Esq.

GIBBONS P.C.

One Gateway Center

Newark, New Jersey 07102-5310

Telephone: (973) 596-4905

Facsimile: (973) 639-6471

ewohlforth@gibbonslaw.com

chowells@gibbonslaw.com

Benjamin A. Post*

Joshua T. Calo*

Post & Post LLC

200 Berwyn Park, Suite 102

920 Cassatt Rd.

Berwyn, PA 19312

Telephone: (610) 240-9180

Fax: (610) 240-9185

**admitted pro hac vice*

*Attorneys for Defendants Carecore National
LLC d/b/a eviCore, Group Health Incorporated
and Emblem Health, Inc.*